

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 27352 of 2005

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Dated 27-12-2005

Between:

R.S.P.S.Dattu S/o.R.Venakta Rao
Sri Ramesampeta Group Temples, Ramesampeta, Rangampet Mandal,
E.G.District

..... PETITIONER

AND

The Commissioner, Endowments Department, Tilak Road Boggulakunta,
Hyderabad

.....RESPONDENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 27352 of 2005

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ORDER:

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The petitioner is a Junior Assistant-cum-Manager of Sri Ramesampet Group of Temples, of East-Godavari District. Through his order dated 18-11-2005, the Commissioner of Endowments, the respondent herein, placed the petitioner under suspension, on the basis of certain allegations. The petitioner challenges the same, mainly on the ground that the respondent is not competent to issue the impugned proceedings, and that the allegations made against him are not borne out by record.

Sri N.Gurugopal, learned counsel for the petitioner submits that under Section 37 of the A.P.Charitable and Hindu Religious Institutions & Endowments Act, 1987 (for short '*the Act*'), it is the Executive Officer of the Temple, or the Trust Board, that is

competent to initiate disciplinary proceedings, or to impose punishment on the employees of Temples. Drawing the attention of the Court to Section 38 of the Act, he contends that the respondent can exercise the powers, if only the instructions issued by him, under that section, are not complied with, by the Executive Officer or the Trust Board. Learned counsel submits that the allegations against the petitioner are in relation to the expenditure incurred for the various temples, and each and every item is covered by valid receipts and approvals from the competent authorities.

Learned Government Pleader for Endowments took notice at the stage of admission, and submits that the petitioner is very much amenable to the jurisdiction of the respondent, and places reliance upon the judgment of a Division Bench of this Court in W.P.No.5736 of 2005. He contends that the truth or otherwise of the allegations against the petitioner can be known only in the departmental proceedings, and it will be too early to form an opinion at this stage.

The challenge to the impugned proceedings by the petitioner is twofold, *viz.*, as to the jurisdiction of the respondent, to pass the impugned order, and the existence of basis, for passing an order of suspension.

So far as the first contention is concerned, it is true that a perusal of Sections 37 and 38 of the Act makes it clear that the power, to initiate disciplinary proceedings and impose penalties on the employees of the Temples, is basically conferred upon the Executive Officer, or the Trust Board, as the case may be. However, this very question came to be considered by the Division Bench of this Court in W.P.No.5736 of 2005. Through its order dated

31-03-2005, the Division Bench took the view that the

Person-in-Management of a Temple is endowed with the same functions and duties as the Executive Officer, and thereby,

he would be amenable to the jurisdiction of the Commissioner under Section 29(6) of the Act. Therefore, the contention of the petitioner cannot be accepted.

Learned counsel had placed reliance upon several judgments of the Supreme Court and contended that the executive instructions issued by the Commissioner can not override the specific provisions of the Act. This Court cannot undertake discussion on those broader aspects, when a specific finding was recorded by a Division Bench, to the effect that the Manager of a Temple is amenable to the jurisdiction of the Commissioner.

Coming to the merits of the matter, it is impermissible for this Court to undertake any adjudication or discussion on the allegations against the petitioner, at this stage. The petitioner can certainly submit his explanation, presenting his version of the matter, and the corresponding findings have to be recorded by the Enquiry Officer.

This Court does not any basis to interfere with the impugned proceedings. The writ petition is accordingly dismissed. There shall be no order as to costs.

L. NARASIMHA REDDY, J.

Dt.27-12-2005.

Note:

c.c in three days.

(B/O) KO